IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Crl.Rev.Pet.No. 3854 of 2007()

CC.101/2006 of ADDL.CHIEF JUDICIAL MAGISTRATE (E & O),ERNAKULAM
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REVN. PETITIONER: COMPLAINANT

SIVANANDAN SHIVANANDAN,
S/O PADMANABHAN, AGED 33 YEARS,
KULANGATTU HOUSE, MANJELIPADOM,
EROOR WEST, TRIPUNITHURA.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS: ACCUSED
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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. K.A.FRANCIS, KURIZUNKAL HOUSE,
NOW RESIDING AT ARACKAL HOUSE,
MUNDAMVELI P.O., SOUDI, KOCHI-7.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. 3854 of 2007

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Dated: 31-10-2007

ORDER

Petitioner who is the complainant in C.C. 101 of 2006 on the file of the Addl. Chief Judl. Magistrate (Economic Offcences), Ernakulam for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881 in respect of a cheque for a sum of Rs. 50,000/- challenges the order dated 27-07-2007 dismissing the complaint under Section 204 (4) Cr.P.C. for the reason that process fee was not deposited even after repeated chances.

2. Since the accused has not entered appearance before the court below and the complaint was dismissed in his absence notice to the 2nd respondent/complainant is dispensed with.

3. The court below should have given the complainant an opportunity to supply the omissions, if any, instead of straightaway dismissing the complaint. The impugned order is set aside and c.c. 101 of 2006 will stand restored to file. The revision petitioner shall appear before the court below without any further notice on 29-11-2007 by which time he shall have deposited the process fee and taken other steps for the further progress of the case.

This Revision is disposed of as above.

V. RAMKUMAR,

(JUDGE)

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